

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MICHAEL E. WYATT,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 7:14cv492
)	
JOHNNY OWENS, et al.)	
)	
Defendants)	

DEFENDANTS' OBJECTION AND MOTION TO QUASH DISCOVERY

Defendants, by counsel, object to discovery pursuant to the Pretrial Order dated March 25, 2016, and move to quash the discovery, and in support thereof state as follows:

1. This Court entered an order on March 25, 2016, establishing August 18, 2016, as the discovery cut off in this case. The Court ordered that written discovery be served in sufficient time to allow the responding party time to respond before the cut-off date for discovery. (See ¶ 14 of the Pretrial Order.)
2. On August 18, 2016, counsel for Plaintiff served Plaintiff's Second Set of Interrogatories and Requests for Production of Documents to each Defendant. (See attached.)
3. The Second Set of Interrogatories and Requests for Production of Documents to the Defendants do not comply with the Court's March 25, 2016 Pretrial Order because Defendants do not have time to respond before the discovery cut off.
4. In addition, Plaintiff's counsel issued subpoenas duces tecum to the City of Danville Commonwealth Attorney's Office, the Pittsylvania County Commonwealth Attorney's Office, and the Pittsylvania County Sheriff's Office for production of documents dated August 18, 2016. (See attached.)

5. The subpoenas to the City of Danville Commonwealth Attorney's Office, the Pittsylvania County Commonwealth Attorney's Office, and the Pittsylvania County Sheriff's Office violate the Court's March 25, 2016 Pretrial Order because they were served too late for response by the discovery cut off.

6. In addition, Plaintiff's counsel issued a subpoena duces tecum to WSET-TV on August 18, 2016. (See attached.)

7. The subpoena to WSET-TV violates the Court's March 25, 2016 Pretrial Order.

8. On August 18, 2016, Plaintiff's counsel issued a Notice of Rule 30(b)(6) Deposition to the City of Danville Police Department. (See attached.)

9. The Notice of Rule 30(b)(6) Deposition to the City of Danville Police Department violates the Court's March 25, 2016 Pretrial Order because it does not allow time for the deposition before the discovery cut off.

10. Defendants object to Plaintiff's discovery and move to quash the discovery because it violates the Court's March 25, 2016 Pretrial Order.

WHEREFORE, Defendants respectfully request that this Court's sustain their objections to the discovery and enter an order quashing the requested discovery, and for such other relief as the Court may deem appropriate.

JOHNNY OWENS, ALLEN SHELTON,
SCOTT WYATT, THOMAS NICHOLSON
and ROBERT WORSHAM

By /s/ Jim H. Guynn, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that I have this 31st day of August, 2016, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

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/s/ Jim H. Guynn, Jr.